



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Outback/Flemings, LLC
DOCKET NO.: 07-30147.001-C-1 through 07-30147.003-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Outback/Flemings, LLC, the appellant, by attorney Dennis M. Nolan, of Dennis M. Nolan, P.C. in Bartlett; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the **Cook** County Board of Review is warranted. The correct assessed valuation of the property is:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
07-30147.001-C-1	17-10-119-004-0000	137,750	1,036	\$ 138,786
07-30147.002-C-1	17-10-119-005-0000	117,087	757	\$ 117,844
07-30147.003-C-1	17-10-119-006-0000	103,312	872	\$ 104,184

Subject only to the State multiplier as applicable.

ANALYSIS

The subject is a 10,400 square foot asphalt paved commercial parking lot with 33 parking stalls. Its total assessment is \$360,814. This assessment yields a fair market value of \$949,511, or \$91.30 per square foot after applying the 38% assessment level for commercial properties under the 2007 Cook County Classification of Real Property Ordinance. The appellant, via counsel, argued that the fair market value of the subject property was not accurately reflected in its assessed value as the basis of this appeal.

In support of the market value argument, the appellant submitted a commercial appraisal report for the subject property with an effective date of January 1, 2006. The appraiser estimated a fair market value for the subject of \$790,000 based on the income approach to value. The appraiser also conducted an inspection of the subject. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal," wherein the subject's final assessment of \$360,814 was disclosed. In support of the subject's assessment, the board of review submitted a property record card

for the subject, and raw sales data for five commercial land parcels located within one-quarter of a mile from the subject. The comparables range in size from 8,978 to 13,900 square feet. The comparables sold between April 2002 and December 2007 for \$1,850,000 to \$5,740,000, or \$169.88 to \$501.24 per square foot. Based on this evidence, the board of review requested confirmation of the subject's assessment. The sales data was collected from the CoStar Comps service, and the CoStar Comps sheets state that the research was licensed to the Cook County Assessor's Office.

In addition, the board of review submitted a copy of the subject's warranty deed executed in June 2008 for \$2,827,500. The board also submitted information that indicated the subject's transfer was between related parties and that it was a parking lot leased to a restaurant owner.

After reviewing the record and considering the evidence, the Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of this appeal.

When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(c). Having considered the evidence presented, the Board finds that the evidence indicates a reduction is not warranted.

The Board finds the appellant's appraisal is insufficient as a matter of law as it failed to use the appropriate valuation methodology in determining the estimated market value by failing to include the cost and sales approaches to value pursuant to Cook County Board of Review v. Property Tax Appeal Board, 384 Ill. App.3d 472(2008) ("Omni"). An appraisal that utilizes only the income approach may be sufficient provided the subject is a special use property. Board of Education of Meridian Community School District No. 223 and The Ogle County Board of Review v. Property Tax Appeal Board and Onyx Orchard Hills Landfill, Inc., 2011 IL App. (2d) 100068 ("Onyx") and Board of Education of Ridgeland School District 122 v. Property Tax Appeal Board, Cook County Board of Review, South Cook Mosquito Abatement District, and Sears Roebuck & Company, 2012 IL App. (1st) 110461 ("Sears"). The courts have defined special use to mean "whether the property is in fact so unique as to not be salable, not what factors might

or might not make it so unique". Crysler Corp. v Property Tax Appeal Board, 69 Ill.App.3d 207.

The board of review submitted five sales of commercial parking lots located within the subject's market. These sales demonstrate that there is a market for the sale of properties similar to the subject. The subject property does not approach the uniqueness required of property for which market value by the sales comparison approach would be impossible to estimate. Board of Education of Meridian Community School District No. 223 and The Ogle County Board of Review v. Property Tax Appeal Board and Onyx Orchard Hills Landfill, Inc., 2011 IL App. (2d) 100068 ("Onyx") and Board of Education of Ridgeland School District 122 v. Property Tax Appeal Board, Cook County Board of Review, South Cook Mosquito Abatement District, and Sears Roebuck & Company, 2012 IL App. (1st) 110461 ("Sears").

PTAB finds that the board of review's sales comparables are sufficient to show that there is a market for the sale of properties comparable to the subject and that the subject's assessment reflects that it is assessed below the range of the unadjusted price per square foot of the comparables.

Having considered the evidence and testimony presented, the PTAB finds that the appellant has not met the burden of proving the value of the property by a preponderance of the evidence. Therefore, the Property Tax Appeal Board finds the subject's assessment as established by the board of review is correct and a reduction is not warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

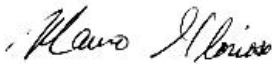


Chairman



Member

Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: November 22, 2013



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.